

104TH CONGRESS
2D SESSION

H. R. 3960

To combat terrorism.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. HYDE (for himself, Mr. CONYERS, Mr. MCCOLLUM, Mr. SCHUMER, Mr. CANADY of Florida, and Mr. HEINEMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To combat terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antiterrorism Law En-
5 forcement Enhancement Act of 1996”.

6 **SEC. 2. MULTIPPOINT WIRETAP AUTHORITY.**

7 (a) Section 2518(11)(b)(ii) of title 18, United States
8 Code, is amended by striking “of a purpose, on the part
9 of that person, to thwart interception by changing facili-
10 ties.” and inserting “that the person had the intent to
11 thwart interception or that the person’s actions and con-

1 duct would have the effect of thwarting interception from
2 a specified facility.”.

3 (b) Section 2518(11)(b)(iii) of such Code is amended
4 to read as follows:

5 “(iii) the judge finds that such showing
6 has been adequately made.”.

7 (c) The amendments made by subsections (a) and (b)
8 of this section shall be effective 1 day after the enactment
9 of this Act.

10 **SEC. 3. REVISION TO EXISTING AUTHORITY FOR EMER-**
11 **GENCY WIRETAPS.**

12 (a) GROUNDS FOR INTERCEPTION.—Section
13 2518(7)(a) of title 18, United States Code, is amended—
14 (1) by striking “or” at the end of paragraph
15 (a)(ii);

16 (2) by inserting “or” at the end of subparagraph
17 (iii); and

18 (3) by adding the following new subparagraph:
19 “(iv) an act of terrorism (as defined in sec-
20 tion 3077(1) of this title),”.

1 **SEC. 4. PEN REGISTERS AND TRAP AND TRACE DEVICES IN**
2 **FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.**

4 (a) APPLICATION.—Section 3122(b)(2) of title 18,
5 United States Code, is amended by inserting “or foreign
6 counterintelligence” after “criminal”.

7 (b) ORDER.—

8 (1) Section 3123(a) of title 18, United States
9 Code, is amended by inserting “or foreign counter-
10 intelligence” after “criminal”.

11 (2) Section 3123(b)(1) of title 18, United
12 States Code, is amended in subparagraph (B), by
13 striking “criminal”.

14 **SEC. 5. ADDITION OF TERRORIST OFFENSES AS RICO**
15 **PREDICATES.**

16 (a) TITLE 18 OFFENSES.—Section 1961(1)(B) of
17 title 18 of the United States Code is amended by—

18 (1) inserting “32 (relating to the destruction of
19 aircraft), section 37 (relating to violence at inter-
20 national airports), section 115 (relating to influenc-
21 ing, impeding, or retaliating against a Federal offi-
22 cial by threatening or injuring a family member),
23 section” after “Section”;

24 (2) inserting “section 351 (relating to Congres-
25 sional or Cabinet officer assassination,” after “sec-
26 tion 224 (relating to sports bribery),”;

1 (3) inserting “section 831 (relating to prohibited
2 transactions involving nuclear materials), section
3 844(f) or (i) (relating to destruction by explosives or fire of government property or property affecting
4 interstate or foreign commerce),” after “section 664 (relating to embezzlement from pension and
5 welfare funds);”

6 (4) inserting “section 930(c) (relating to violent
7 attacks against Federal buildings), section 956 (relating to conspiracy to kill, kidnap, maim, or injure
8 certain property in a foreign country),” after “sections 891–894 (relating to extortionate credit trans-
9 actions);”

10 (5) inserting “section 1111 (relating to murder), section 1114 (relating to murder of United
11 States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests,
12 or internationally protected persons), section 1203 (relating to hostage taking),” after “section 1084
13 (relating to the transmission of gambling informa-
14 tion);”

15 (6) inserting “section 1361 (relating to willful
16 injury of government property), section 1363 (relat-
17 ing to destruction of property within the special
18

1 maritime and territorial jurisdiction)," after "section
2 1344 (relating to financial institution fraud);;

3 (7) inserting "section 1751 (relating to Presidential
4 assassination)," after "sections 1581–1588
5 (relating to peonage and slavery);

6 (8) inserting "section 1992 (relating to train
7 wrecking), section 2280 (relating to violence against
8 maritime navigation), section 2281 (relating to violence
9 against maritime fixed platforms)," after "section
10 1958 (relating to use of interstate commerce facilities
11 in the commission of murder-for-hire); and

12 (9) inserting "section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to acts of terrorism transcending national boundaries), section 2332c (relating to use of chemical weapon), section 2339A (relating to providing material support to terrorists)," after "2321 (relating to trafficking in certain motor vehicles or motor vehicle parts).".

21 (b) NON-TITLE 18 OFFENSE.—Section 1961(1) of
22 title 18 of the United States Code is amended—

23 (1) by striking "or" before "(E);"

24 (2) by striking "or" before "(F); and

1 (3) by inserting at the end the following: “or
2 (G) section 46502 of title 49, United States Code;”.

3 (c) LIMITATION TO CIVIL RICO.—The amendments
4 made by this section shall not apply with respect to section
5 1964(c) of title 18, United States Code.

6 **SEC. 6. INTERCEPTIONS OF COMMUNICATIONS.**

7 (a) AUTHORIZATION OF INTERCEPTIONS IN CERTAIN
8 TERRORISM RELATED OFFENSES.—Section 2516(1) of
9 title 18, United States Code, is amended—

10 (1) by striking “and” at the end of subparagraph
11 graph (n);

12 (2) by redesignating subparagraph (o) as sub-
13 paragraph (q); and

14 (3) by inserting after subparagraph (n) the fol-
15 lowing:

16 “(o) any violation of section 956 or section 960 (re-
17 lating to certain actions against foreign nations), section
18 1114 (relating to protection of officers and employees of
19 the United States), section 1116 (relating to murder of
20 foreign officials, official guests, or internationally pro-
21 tected persons), section 2332 (relating to terrorist acts
22 abroad), section 2332a (relating to weapons of mass de-
23 struction), section 2332b (relating to acts of terrorism
24 transcending national boundaries), section 2339A (relat-
25 ing to providing material support to terrorists), section 37

1 (relating to violence at international airports) of title 18,

2 United States Code; or

3 “(p) any felony violation of section 842 (relating to

4 explosives) of this title; and”.

5 (b) REPORTS CONCERNING INTERCEPTED COMMU-

6 NICATIONS.—Subsection (6) of section 2518 of title 18,

7 United States Code is amended to read as follows:

8 “(6) Whenever an order authorizing intercep-

9 tion is entered under this chapter, the order shall re-

10 quire the attorney for the Government to file a re-

11 port with the judge who issued the order showing

12 what progress has been made toward achievement of

13 the authorized objective and the need for continued

14 interception. Such report shall be made 15 days

15 after the interception has begun. No other reports

16 shall be made to the judge under this subsection.”.

17 **SEC. 7. JURISDICTION FOR LAWSUITS AGAINST TERRORIST**

18 **STATES.**

19 Section 1605(a)(7)(B)(ii) of title 28, United States

20 Code, is amended by striking “the claimant or victim was

21 not a national” and inserting “neither the claimant nor

22 the victim were nationals”.

23 **SEC. 8. CLERICAL AMENDMENTS RELATING TO CRIME.**

24 (a) CORRECTING ERROR IN AMENDATORY INSTRU-

25 TIONS.—Section 107(b) of the Antiterrorism and Effective

1 Death Penalty Act of 1996 is amended by striking “IV”
2 and inserting “VI”.

3 (b) CORRECTING ERROR IN DESCRIPTION OF PROVI-
4 SION AMENDED.—With respect to subparagraph (F) only
5 of paragraph (1) of section 205(a) of the Antiterrorism
6 and Effective Death Penalty Act of 1996, the reference
7 at the beginning of such paragraph to “subsection (a)(1)”
8 shall be deemed a reference to “subsection (a)”.

9 (c) ADDITION OF MISSING REFERENCE.—Section
10 725(2) of the Antiterrorism and Effective Death Penalty
11 Act of 1996 is amended by inserting “(2)” after “sub-
12 section (b)”.

13 (d) CONFORMING AMENDMENT TO TABLE OF SEC-
14 TIONS.—The table of sections at the beginning of chapter
15 203 of title 18, United States Code, is amended by insert-
16 ing after the item relating to section 3059A the following
17 new item:

“3059B. General reward authority.”.

18 (e) INSERTION OF MISSING PUNCTUATION.—Section
19 6005(b)(3) of title 18, United States Code, is amended
20 by adding a period at the end.

